IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 17TH SEPTEMBER 2007 / 26TH BHADRA 1929

Con.Case(C).No. 1036 of 2006(S)

AGAINST THE JUDGEMENT/ORDER IN OP.20262/1999 Dated 05/11/2002

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PETITIONERS:

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1. N.S. VIJAYAN,
   NADUVATHUPARAMPIL, KAVIYOOR P.O.,
   THIRUVALLA, PATHANAMTHITTA DISTRICT.

2. N. VISWANATHA BHATTATHIRI,
   VAZAMAVELIMADOM, PERISERI P.O., CHENGANNUR,
   ALLEPPEY DISTRICT.

3. P.M. SOSAMMA,
   ASARICHERIL, JOY BHAVAN, KOTTATHOOR P.O.,
   PATHANAMTHITTA DISTRICT.

4. M.K. RAJASEKHARAN NAIR,
   MUTHUKADATHUMALAYIL, CHIRAYIRAMBU P.O.,
   MARAMON, PATHANAMTHITTA DISTRICT.

5. K.I. SIMON,
   KAIPLAKAL VADAKEL, KOTTATHUR P.O.,
   PATHANAMTHITTA DISTRICT.

6. ISSAC P.ISSAC.,
   CHENATHARA, THEEPANI, THIRUVALLA,
   PATHANAMTHITTA DISTRICT.

7. P.J. KUNJAMMA,
   PLOT NO.26, STAGE-II, JOHN PHILIPOS NAGAR,
   R.S. P.O., THIRUVALLA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN

RESPONDENTS:

M.VIJAYAN UNNI
(AGE AND FATHER'S NAME NOT KNOWN),
CHIEF SECRETARY TO GOVERNMENT OF KERALA,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 17/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

C.O.C.NO.1036 OF 2001

DATED THIS THE 17th DAY OF SEPTEMBER, 2007

JUDGMENT

This contempt case relates to Annexure-A judgment wherein a Single Bench of this Court held that although the age of superannuation of the petitioners were before 1997 pay revision, since they have continued till the end of the academic year by virtue of the relevant rules applicable, they are entitled to benefits of 1997 pay revision, which was implemented before their actual cessation of service.

2. The contention of the petitioner in this contempt case is that the petitioners are entitled to pensionary benefits also computed taking into account the pay revision as well.

3. I have heard the learned Government pleader also. The learned Government pleader brings to my attention a subsequent amendment to the Rules, whereby Rule 60(c) Part I of Kerala Service Rules had been amended with retrospective effect from 15.5.1986 which amendment is under challenge in a

batch of writ petitions. That being so, I am of opinion that, that issue itself has to be decided in the said batch of writ petitions. Therefore, I do not find it necessary to proceed with this contempt case.

Accordingly, the contempt case is closed.

S. SIRI JAGAN, JUDGE

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